

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASE NO. 1:22-cv-11413

SAMUEL B. SPITALNY, JACOB L. SPITALNY,)	
STEPHEN QUILLINAN and S&Q DATA, LLC)	
)	
)	
Plaintiffs)	
)	NO. 1:22-cv-11413-DJC
v.)	
NICHOLAS FIORILLO and GOTSPACE DATA)	DEFENDANT’S MOTION
EQUITY FUND, LLC)	FOR RECONSIDERATION
)	
)	
Defendants)	
And)	
)	
NICHOLAS FIORILLO,)	
GOTSPACE DATA EQUITY FUND LLC,)	
GOTSPACE EQUITY FUND I, LLC,)	
GOTSPACE EQUITY FUND 1, LLC,)	
GOTSPACE SELF STORAGE, HOLDINGS, LLC,)	
GOTSPACE MANAGEMENT, LLC,)	
GS BEVERLY, LLC, GS GLOUCESTER, LLC)	
GOTSPACE BEVERLY LLC, AND)	
GOTSPACE GLOUCESTER, LLC)	
Reach and Apply Defendants)	

COMES NOW Defendant, Nicholas Fiorillo, in the above-referenced case, and, as previously in accordance with Fed. R. Civ. P. 6(b), hereby moves this honorable court to reconsider its denial of Defendant’s Motion for Enlargement of Time.

The Court order denying this motion was dated 9/21/22.

Mr. Fiorillo again humbly asks this court to carefully review Defendant's pleading, a pleading which should be both liberally construed and viewed in a light most favorable to a pro se, non-moving Defendant, in response to the Motion for Remand filed by Plaintiffs.

All of the information included with the original Motion for Enlargement of Time on file with this Court, is based upon a genuine dispute as to the facts. There also appears to be a dispute with regard to the actual filing date of the Entry of Order by the court.

As shown on Exhibit A appended hereto, the Electronic Order was entered on 9/21/22 at 4:15 pm, less than 30 minutes after Defendant filed his Motion for Enlargement of Time in person at the court, on 9/21/22 at 3:47 pm.

Defendant also provided a hard copy by overnight mail to the attention of Clerk Danielle Kelly, who had knowledge of the filing of the Notice of Removal, with a cover letter requesting Ms. Kelly's assistance for a pro se litigant. That Motion copy was delivered to the Court on the morning of September 22. For some inexplicable reason, the 22nd is the date shown on Exhibit B appended hereto, as being the date the Order was entered, not the 21st, as well as the date that Defendant's Motion for Extension of Time was "terminated."

An enlargement of time is a reasonable request of the court, and it would appear that the Order giving Defendant only seven (7) days from the date of Entry of Order on the 21st, may have been entered and filed, before the Judge had an opportunity to review Defendant's Motion.

Therefore, in light of the totality of the circumstances, Defendant prays this honorable Court to allow the opportunity to consult counsel with Federal expertise, and bring them up to speed on the underlying civil rights issues to be presented at the Jury trial.

RESPECTFULLY SUBMITTED THIS 26th day of September, 2022.

NICHOLAS FIORILLO

/s/ Nicholas Fiorillo
Nicholas Fiorillo
3 Kales Way
Harwich Port, MA 02646-1936
Tel: (508)-776-7219
metrowestrealty@yahoo.com